

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DAWN R. SUMTER,

Plaintiff,

v.

Case No. 6:20-cv-2347-JA-DCI

THE CITY OF ORLANDO and  
RODERICK WILLIAMS,

Defendants.

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ORDER

Plaintiff has filed a Notice of Voluntary Dismissal of Claims Against the City of Orlando (Doc. 26). Through this Notice, Plaintiff—as is her right under Federal Rule of Civil Procedure 41(a)(1)(A)(i)—has dismissed with prejudice all of her claims against the City. See Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 253 (5th Cir. 1973)<sup>1</sup>; accord Corley v. Long-Lewis, Inc., 965 F.3d 1222, 1226–27 (11th Cir. 2020); Klay v. United Healthgroup, Inc., 376 F.3d 1092, 1105–06 (11th Cir. 2004).

The only remaining claims in this case are Plaintiff's state law claim of battery against Defendant Roderick Williams, (see Doc. 1 at 19–20), and

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<sup>1</sup> In Bonner v. City of Prichard, 661 F.2d 1206, 1207 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all Fifth Circuit decisions issued before October 1, 1981.

Williams's two state law counterclaims against Plaintiff, (see Doc. 15 at 13-16). All claims over which this Court had original jurisdiction having been dismissed, pursuant to 28 U.S.C. § 1367(c) the Court declines to exercise supplemental jurisdiction over the remaining claims.

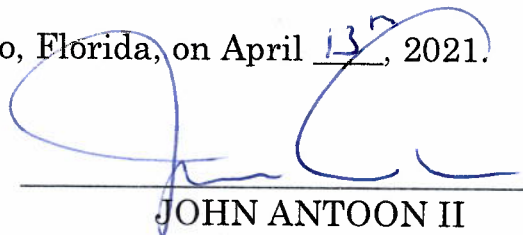
Accordingly, it is **ORDERED** as follows:

1. Plaintiff's claim against Defendant Roderick Williams and Williams's counterclaims against Plaintiff are **DISMISSED without prejudice** to those claims being refiled in state court. Pursuant to 28 U.S.C. § 1367(d), the period of limitations for these claims is "tolled while the claim is pending and for a period of 30 days after it is dismissed unless State law provides for a longer tolling period."

2. All pending motions are **DENIED as moot**.

3. The Clerk is directed to close this case.

**DONE and ORDERED** in Orlando, Florida, on April 13<sup>th</sup>, 2021.



JOHN ANTOON II  
United States District Judge

Copies furnished to:  
Counsel of Record